

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

:
IN RE: Fosamax Products Liability
Litigation

1:06-md-1789 (JFK)

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE**

:
This Document Relates to: 07 CV 2820
:

X

Plaintiff, Elva C. Toups, dismisses this civil action without prejudice pursuant to Fed.R.Civ.
P. 41(a)(1)(i) and in support thereof would show that the Defendant has not served an answer or a
motion for summary judgment.

Dated this the 5th day of June, 2007.

Respectfully submitted,

s/Robert G. Germany
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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2007, the foregoing *Notice of Dismissal Without Prejudice* was filed electronically and served electronically, pursuant to the Court's Case Management Order, via the Court's CM/ECF System.

s/Robert G. Germany
ROBERT G. GERMANY